



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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USA PCT National Stage Patent Application
PCT/EP97/02086 filed April 24, 1997

3438US

Thomas Hopf et al

Method for the Determination
of Combustion Misfires

Box PCT

Serial No.: 09/269,148

Attn: PCT LEGAL OFFICE

1st Submission of US National

Stage Requirements: March 12, 1999

RECEIVED

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14 FEB 2001

Hon. Assistant Commissioner for Patents and
Washington, D.C. 20231

Legal Staff:

International D

S I R :

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO
RECEIVE OFFICE ACTION UNDER MPEP 711.03(c) II

Prior to Jan. 24, 2001, an Office Action (Notification of Missing Requirements Under 35 U.S.C. 371) dated Nov. 8, 1999 was not received, by the undersigned attorney of record as evidenced by the enclosed copies of the attorney's docket records and file jacket.

Request is respectfully made for the PTO to withdraw the holding of abandonment dated Oct. 3, 2000 (also not previously received in the office of and by the undersigned attorney) and to remail the Office Action. (Copies of these papers were first faxed to attorney on Jan. 24, 2001 by paralegal Karen McLean at attorney's request after attorney noticed on or about Jan. 16, 2001, attorney's corresponding file as still awaiting an Office Action of Notification of Missing Requirements.)

Attorney states that the Office Action communication was not received (before being faxed Jan. 24, 2001) by the undersigned attorney and attorney attests to the fact that a search of the file jacket and docket records (copies attached as part of this

Petition and statement herein) indicate that the non-received Office communication was not received.

A copy of the docket records (attorney's office docket calendar for all due date docket entries) where the non-received Office communication would have been entered (namely on December 8, 1999) had it been received and docketed is attached herewith and referenced hereby in this statement of attorney as documentary proof of non-receipt of the Office communication.

Respectfully submitted,

Thomas Hopf et al

by: _____
MARTIN A. Farber
Attorney of record for
Applicants
Registered Representative
Registration No. 22,345

CERTIFICATE OF MAILING UNDER SECTION 37 CFR 1.8(a)

I hereby certify that this paper enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, D.C. 20231 on Jan. 29, 2001

Dated: Jan. 29, 2001

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